

January 17, 2020

Honorable Ruth Ann Abrams Acting Secretary Postal Regulatory Commission 901 New York Avenue, NW, Suite 200 Washington, DC 20268-0001

Dear Ms. Abrams:

Pursuant to 39 U.S.C. § 407(d)(2), and consistent with Order No. 5212 in Docket No. CP2019-209, where the Postal Regulatory Commission (Commission) reviewed inbound EMS rates applicable starting in January of 2020,¹ the United States Postal Service (Postal Service) files as Attachments 1 and 2 to this letter redacted copies of EMS rate agreements between the Postal Service and foreign postal operators (Agreements). The Postal Service has marked the nonpublic, unredacted versions of these Agreements as "Confidential" and "Non-Public" and has filed them under seal because they contain information considered confidential and commercially sensitive by the affected postal operators and the Postal Service.

The Postal Service considers certain portions of the Agreements filed in this matter to be protected by 39 U.S.C. § 410(c)(2) and thereby not subject to mandatory disclosure under the Freedom of Information Act (FOIA). Further, each Agreement contains the commercial information of the Postal Service and the affected postal operator, and, as such, certain portions of the Agreements are subject to protection under Exemptions 3 and 4 of FOIA. Consequently, the Postal Service requests that the redacted portions of the Agreements remain confidential and incorporates by reference the Application for Non-Public Treatment filed with the Postal Service's initial Notice in Docket No. CP2019-209.² In addition, we respectfully request that the Commission coordinate with the Postal Service in the event that these Agreements become the subject of a FOIA request, so that we can engage in appropriate consultations with the affected postal operators.

<sup>&</sup>lt;sup>1</sup> PRC Order No. 5212, Order Approving Changes in Prices Not of General Applicability For Inbound EMS 2, Docket No. CP2019-209, August 28, 2019. This is also consistent with the practice under PRC Order No. 1865 granting the United States Postal Service's Motion for Reconsideration of Order No. 1822 in PRC Docket No. CP2013-77. See PRC Order No. 1865, Order Granting Motion for Reconsideration of Order No. 1822, Docket No. CP2013-77, October 30, 2013.

<sup>&</sup>lt;sup>2</sup> Notice of the United States Postal Service of Filings Changes in Rates Not of General Applicability for Inbound EMS 2, and Application for Non-Public Treatment, at Attachment 1 (Application of the United States Postal Service for Non-Public Treatment), Docket No. CP2019-209, August 17, 2019.

Thank you for your attention to this matter. Please feel free to contact me if further information would be helpful.

Sincerely,

Mikhail Raykher

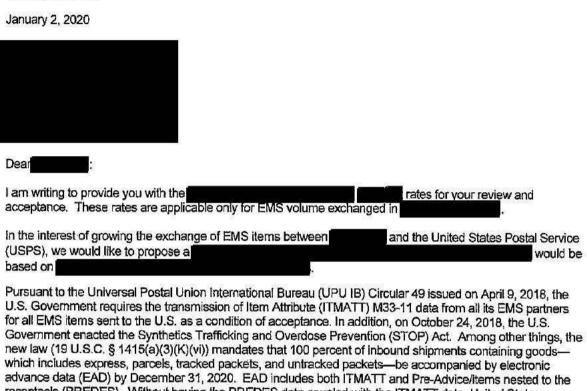
Attorney

Global Business & Service Development

**Enclosures** 

ROBERT H. RAINES, JR. MANAGING DIRECTOR GLOBAL BUSINESS





receptacle (PREDES). Without having the PREDES data coupled with the ITMATT data, United States Customs and Border Protection cannot successfully target shipments to identify packages containing illicit goods. Failure to meet the above EAD requirements could result in a delay or return of your inbound shipments.

Based on the above proposal,	ē
We therefore propose to apply the following and USPS in ::	EMS items exchanged between
<ul> <li>United States to:</li> <li>to the United States:</li> </ul>	
Please also note that the rate proposal included in this applied for any EMS items received after	s letter is valid for the LLS only and will not be

475 L'ENFANT PLAZA SW RM 5100 Washington, DC 20260-0004 202-268-5931 FAX: 202-268-8095 WWW.USPS.COM

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that the UPU IB publishes in its Circulars for 2020, and for subse agreement signed by both USPS and in advance of the discounts would apply.	quent years, will not be discounted without an he specific time periods to which such
If payment owed to USPS is not received by the USPS within invoice by USPS will	following acceptance of the EMS
The pricing set forth in this letter may be reviewed by the Postal I U.S. government agency. After provides USPS its writte USPS shall furnish this instrument to the PRC. Any pricing in and/or non-objection by the PRC. In the event of any adverse out the prices in this instrument, the rates for EMS items exchanged continue to be the rates as indicated in the applicable UPU IB circles should there be any issues with regulatory review of the instrument.	itten acceptance of the proposals in this letter, this instrument may be subject to review atcome associated with the regulatory review of between and USPS in will reular for 2020. USPS will notify
Haday I. C. Jaw. No. 11000 is also required to Elecal segmental.	

Under U.S. law, the USPS is also required to file all commercial agreements signed with an agency of a foreign government, including this letter, with the PRC. The USPS believes that it is possible that your organization may have a proprietary interest in information in this letter. Because we consider it to be sensitive commercial information, we will designate the letter as "non-public." In other words, some of the information in the letter will not be publicly available on the PRC's website; rather, it will be available only to the PRC staff and third persons who are able to certify that they are not involved in competitive decision making.

Under U.S. law (Title 39, Code of Federal Regulations, Part 3007), whenever the USPS files information non-publicly, the USPS is required to notify any organization that may have an interest in the nonpublic information that it is filing such information with the PRC, together with an application for the PRC to treat the information as non-public material. As required by its regulations, we will identify the USPS as the PRC's point of contact in the event that additional notices need to be sent concerning this filing. This is done to protect your confidentiality. USPS will inform you of any such notices it receives.

We are also required to notify you that your organization may address any confidentiality concerns that you may have directly with the PRC. At this time, we do not believe any action is needed on the part of your organization. However, we are required to advise you that the procedure for making an application to the PRC for non-public treatment of materials believed to be protected from disclosure is found at Title 39, U.S. Code of Federal Regulations, Part 3007, Subpart B, including Sections 3007.201 and 3007.204, and it also may be viewed on the PRC's website at: www.prc.gov/docs/105/105579/Order%20No.%204679.pdf.

Again, we do not believe there is any need for action on your part; we are simply fulfilling our obligation to give your organization notice of the non-public filing, as required by U.S. law. If you have any questions or concerns, please feel free to contact Mikhail Raykher, Attorney, U.S. Postal Service Law Department, at 202-268-4277 or via e-mail at mikhail.raykher@usps.gov.

Please confirm your acceptance of the above by January 6, 2020 by counter signing below and returning a copy of this signed letter by email to Ms. Allison Laakso at allison.s.laakso@usps.gov and a copy to EMSrates@usps.gov. Please mail the original copy back to:

Robert H. Raines, Jr. Managing Director, USPS 475 L'Enfant Plaza SW RM 5100 Washington, DC 20260-0004

We look forward to continuing to grow the important EMS business between us.

Sincerely,

Robert H. Raines, Jr.

On behalf of and conditions ag	, I agree that the terms a reed upon with USPS for EM	and conditions set forth in this load. MS items exchanged between	etter agreement constitut and USPS for	
Signature				
Name				
Date'				

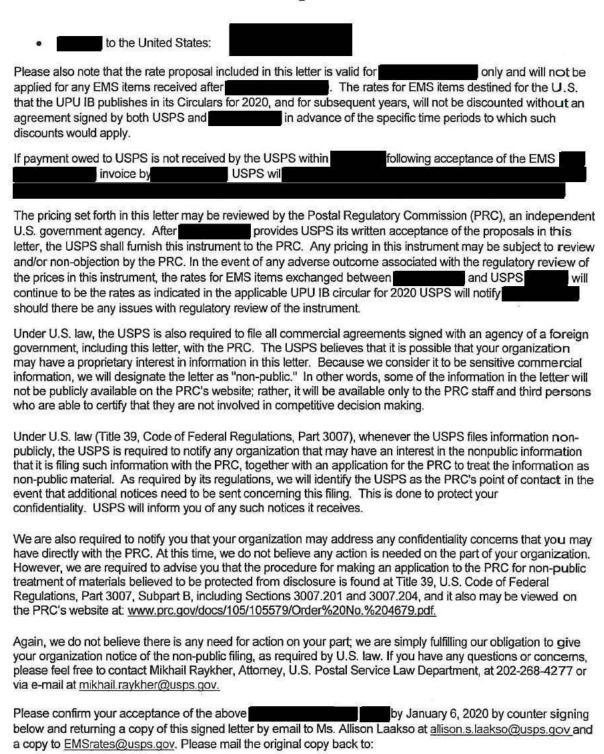
ROBERT H. RAINES, JR. MANAGING DIRECTOR GLOBAL BUSINESS



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December 31, 2019
Dear :
I am writing to provide you with the acceptance. These rates are applicable only for EMS volume exchanged in
In the interest of growing the exchange of EMS items between Service (USPS), we would like to propose a would be based .
Pursuant to the Universal Postal Union International Bureau (UPU IB) Circular 49 issued on April 9, 2018, the U.S. Government requires the transmission of Item Attribute (ITMATT) M33-11 data from all its EMS partners for all EMS items sent to the U.S. as a condition of acceptance. In addition, on October 24, 2018, the U.S. Government enacted the Synthetics Trafficking and Overdose Prevention (STOP) Act. Among other things the new law (19 U.S.C. § 1415(a)(3)(K)(vi)) mandates that 100 percent of inbound shipments containing goodswhich includes express, parcels, tracked packets, and untracked packets—be accompanied by electronic advance data (EAD) by December 31, 2020. EAD includes both ITMATT and Pre-Advice/items nested to the receptacle (PREDES). Without having the PREDES data coupled with the ITMATT data, United States Customs and Border Protection cannot successfully target shipments to identify packages containing illicit goods. Failure to meet the above EAD requirements could result in a delay or return of your inbound shipments
Based on the above proposal,
We therefore propose to apply the following discounted rates for EMS items exchanged between and USPS in
United States to :

475 L'ENFANT PLAZA SW RM 5100 WASHINGTON, DC 20260-0004 202-268-5931 FAX: 202-268-8095 WWW.USPS.COM

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Robert H. Raines, Jr.

Managing Director, USPS 475 L'Enfant Plaza SW RM 5100 Washington, DC 20260-0004

We look forward to continuing to grow the important EMS business between us.

Sincerely,

Robert H. Raines, Jr.

On behalf of the terms and conditions set forth in this letter agreement constitute the terms and conditions agreed upon with USPS for EMS items exchanged between and USPS for EMS items exchanged betwe